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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,623	04/14/2004	Ralph E. Wesinger JR.	GRAPH-005COO	7888
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SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			EXAMINER LY, CHEYNE D	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,623

Applicant(s)

WESINGER ET AL.

Examiner

Cheyne D. Ly

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicants' arguments filed March 27, 2007 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
2. The addition of claim 29 has been entered.
3. Claims 1-29 are examined on the merits.

RESPONSE TO ARGUMENTS

4. On page 8, Applicant argues claim 15 has been amended...now recites statutory subject matter. Applicant's argument is not persuasive because claim 15 is directed to "A web page..." which is nonstatutory as discussed below.
5. The prior art rejections of record have been withdrawn as necessitated by claim amendments. The prior art, as necessitated by claim amendments, addresses the new limitations as cited below:

CLAIM REJECTIONS - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
7. Claims 15-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory type subject matter.
8. Claims 15-28 are rejected because said claims are directed to a "web page" wherein one of ordinary skill in the art at the time of the invention would have attributed the customary

and ordinary meaning of "A document on the World Wide Web..." (Microsoft Press Computer Dictionary, 3rd edition) to the limitation of "web page." Therefore, the claimed "web page" has been interpreted as nonfunctional descriptive material such as a compilation or mere arrangement of data. Nonfunctional descriptive material is nonstatutory when claimed as nonfunctional descriptive material per se. See MPEP 2106.01 [R-5].

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. NEW MATTER.

11. The limitation of "facilitating said user being able to add said information to the database over the public network using a web browser without the need for any additional software necessary to interact with said database" has not been found in the instant specification.

Further, Applicant pointed to support of FIGS. 2D-2T is not persuasive because the specification discloses the claimed invention requiring "server software runs on a suitable server platform...UNIX platforms...a database management system." Therefore, the claimed invention has been interpreted as requiring more than the claimed "web browser... necessary to interact with said database."

CLAIM REJECTIONS - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3, 10-12, 15-17, 24-26, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Houh et al. (March 1994, Houh hereafter).

SECONDARY SUPPORT

14. The inclusion of the Punin reference is not being used as prior, but only to support that the form of Houh cited below inherently comprises a confirmation to update the database. For example, Punin describes “[w]hen a user fills out the form and presses a button indicating the form should be “submitted,” the information on the form is sent to a server for processing” (page 11, HTML Forms Menu section). Houh describes submitting a form, once submitted new information is reflected immediately (page 5, lines 4-5) which reasonably describes the user confirmation as supported by Punin.

BASIS FOR PRIOR ART

15. In regard to claim 1, Houh discloses a method of updating entries in a web site database comprising:

Receiving information from a user over a public network for entry into a database managed by a web site (page 4, line 19, e.g. “a collection of pages”, and page 5, line 6, e.g. People Directory is a database);

Associating the entered information with said database (page 5, lines 4-5, update by submitting a form, and lines 10-12, e.g. the viewer posts the form it validates the new information and updates the database);

Receiving from said user a confirmation to update said database with said received information (page 5, lines 4-5, update by submitting a form);

Updating said database with said information (page 5, lines 4-5, update by submitting a form, new information is reflected immediately, and lines 10-12, e.g. the viewer posts the form it validates the new information and updates the database); and

Facilitating said user being able to add said information to the database over the public network using a web browser without the need for any additional software necessary to interact with said database (page 2, line 15, e.g. "No additional applications are required").

16. In regard to claim 2, Houh discloses the act of displaying to the user said updated database information (page 5, lines 4-5, update by submitting a form, new information is reflected immediately, and lines 10-12, e.g. the viewer posts the form it validates the new information and updates the database).

17. In regard to claim 3, Houh discloses the act of updating said information further includes the act of indexing said information (page 2, Navigation section, e.g. "searchable indexes").

18. In regard to claim 10, Houh discloses said information includes a password (page 3, line 3, e.g. password protection).

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19. In regard to claims 11 and 12, Houh discloses said information includes a user ID wherein said user ID comprises an email address (page 4, lines 22-25, e.g. surname or email address).

20. In regard to claims 15-17, 24-26, and 29, Houh discloses the webpage and apparatus for implementing the above cited method.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

23. Claims 4-6 and 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Houh et al. (March 1994, Houh hereafter) as applied to claims 1-3, 10-12, 15-17, 24-26, and 29 above, and further in view of Dozier et al. (US 5,870,552A) (Dozier hereafter).

MOTIVATION TO COMBINE

24. Dozier describes a comprehensive solution to address shortcomings of the publishing tools present in the art (column 2, line 20, to column 3, line 38) and the use of icons as shortcuts in the described system (column 13, lines 28-49). Houh describes active pages to provide a common interface to World Wide Web applications with advantages over the prior art (page 1, Abstract). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Hough to improve the Web system of Dozier with advantages over the prior art.

PRIOR ART

25. In regard to claims 4-5, Houh describes the claimed index, however, Houh does not describe indexing by category and subcategories. Dozier describes indexing by category and subcategories (column 2, line 63, to column 3, line 7, column 15, line 29, to column 16, line 44; especially, "indexing schemes...for documents and criteria of special interest", and Fig. 10a-10d exemplifies the categories and subcategories). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the system as described by Houh with the indexing scheme of Dozier to improve the Web system of Dozier with advantages over the prior art.

26. In regard to claim 6, Houh describes the claimed index, however, Houh does not describe posting said information to a pre-existing account. Dozier describes posting said information to a pre-existing account (page 17, Table 1, especially, "get update (existing data)"). It is noted that posting data to specific user table has been reasonably interpreted as "pre-existing account." Therefore, it would have been obvious to one of ordinary skill in the art to make

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and use the system as described by Houh with the posting of Dozier to improve the Web system of Dozier with advantages over the prior art.

27. In regard to claims 18-20, Houh in view of Dozier describes the web page cited above.

28. Claims 7-9, 13, 14, 21-23, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houh et al. (March 1994, Houh hereafter) as applied to claims 1-3, 10-12, 15-17, 24-26, and 29 above, and further in view of Danneels et al. (US 5,410,698) (Danneels hereafter).

MOTIVATION TO COMBINE

29. Houh describes active pages to provide a common interface to World Wide Web applications with advantages over the prior art (page 1, Abstract). While, Danneels et al. (US 5,410,698) describes a method and system for multicasting (publishing) audio, video, and text data streams to a plurality of client computers over the internet (column 1, lines 27-62). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Hough to improve the Web system of Dannells with advantages over the prior art.

PRIOR ART

30. In regard to claims 7 and 21, Houh describes all the limitations to said claims except for the limitation of "credit card information." Danneels describes a multicasting (publishing) method as directed to credit card information (column 5, line 47, column 6, line 11). Therefore, it would have been obvious to one of ordinary skill in the art to published programs requiring credit card information as described by Danneels and Houh.

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31. In regard to claims 8, 9, 22, and 23, Houh describes all the limitations to said claims except for the limitation of "verifying" and "password." Danneels describes a multicasting (publishing) method as requiring verification and password (column 5, line 67, column 6, line 5). Therefore, it would have been obvious to one of ordinary skill in the art to published programs requiring verification with password information as described by Danneels and Houh.

32. In regard to claims 13, 14, 27, and 28, Houh describes all the limitations to said claims except for the limitation of "graphical image." Danneels describes a multicasting (publishing) method as directed to video, and text data streams to a plurality of client computers (column 1, lines 27-41). Therefore, it would have been obvious to one of ordinary skill in the art to published programs as directed to videos as described by Danneels and Houh.

CONCLUSION

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

36. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

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/C. Dune Ly/
Primary Examiner
9/20/07

A handwritten signature in black ink, appearing to read 'C. Dune Ly', written over the printed name.